

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

ERGS II, L.L.C.,)	
)	
Appellant,)	
)	
v.)	
)	
LICHTIN/WADE, LLC)	Case No. 5:12-cv-00689-FL
)	
)	
Appellee.)	
_____)	

ORDER DISMISSING APPEAL

It appearing to the Court that ERGS II, L.L.C. ("ERGS") and Joseph N. Callaway, in his capacity as the trustee of the Chapter 7 bankruptcy estate of Lichtin/Wade, LLC, have jointly requested the dismissal of the appeal commenced by ERGS's filing of a notice of appeal in *In re Lichtin/Wade, LLC*, Case Number 12-00845-8-RDD (the "Bankruptcy Case") and that the conversion of the Bankruptcy Case from Chapter 11 to Chapter 7 has rendered the issue appealed moot;

The Joint Motion of ERGS II, L.L.C. and Joseph N. Callaway, in his capacity as trustee of the Chapter 7 bankruptcy estate of Lichtin/Wade, LLC, to dismiss appeal is hereby **GRANTED**, without prejudice.

SO ORDERED this the 21st day of May, 2013.



LOUISE W. FLANAGAN
United States District Judge